

DONALD J. NITZ & ASSOCIATES, INC.

Real Estate Appraisers & Consultants

Donald J. Nitz, MAI, SRA

Jennifer Nitz Suraci

Daniel J. Orth IV

52 Washington Avenue

P.O. Box 254

North Haven, CT 06473

(203) 239-1679

Fax 239-1429

August 9, 2000

Constance M. Kisluk
Department of Environmental Protection
State of Connecticut
79 Elm Street
Hartford, Connecticut 06106-5127

Re: Real Estate consisting of 134.5 acres +/- of land located
on the E/S of Interstate 91 and rear of Country Club Road
Middletown, CT.
Owned by: Jeffrey and Linda Pierce

Dear Ms. Kisluk:

As requested, I have prepared the following valuation analysis
of the above referred to real estate for the purpose of estimating
the current market value of the fee simple estate as of August 4,
2000.

As agreed, this appraisal is to be prepared in a full
narrative format as a Self-Contained Appraisal Report in
conformance with the Uniform Standards of Professional Appraisal
Practice (USPAP), as promulgated by the Appraisal Standards Board
of the Appraisal Foundation; and incorporates the requirements set
forth by Title XI of the Financial Institutions Reform, Recovery
and Enforcement Act (FIRREA), effective as of August, 1990.

The subject property consists of an elongated irregular shaped
rear parcel of land having no frontage along any improved roadways,
containing an area of approximately 134.5 acres. Access is assumed
to be available from Country Club Road via Massa Tom Road (not a
municipal public highway) and a R.O.W. over other land between
Massa Tom Road and the subject property. Wesleyan University has
agreed to provide a new 30' wide R.O.W. to the subject property
over land owned by the University in exchange for the relinquishing
any rights of way or travel ways which cross the Universities
property. The agreement is conditioned upon a suitable survey
being provided by the Pierce's. To date this R.O.W. has not been
defined or legally transferred to the owners of the subject
property. However, for purposes of this appraisal, it has been
assumed that some form of limited access is available to the
subject property.

Ms. Kisluk

August 9, 2000

The subject property, which is zoned R-45 and borders Interstate 91 along its westerly boundary, is heavily wooded with extreme topographical characteristics including steep slopes and high elevations. After considering all relevant factors, it is my opinion that its highest and best use is for its preservation as open space for passive recreational use. Although the property contains considerable amounts of trap rock, the potential for a profitable mining operation is not considered to be realistic.

Based upon my investigation and analysis of the real estate market in the area, as it affects the subject property, it is my opinion that the market value, as of August 4, 2000 is:

THREE HUNDRED THIRTY SIX THOUSAND TWO HUNDRED FIFTY DOLLARS
(\$336,250)

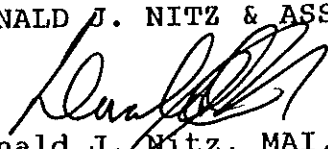
My estimate of value does not reflect any possible limitations on the marketability and/or mortgaging of the property as a result of the conditions governed by Public Act 84-535 (an act concerning clarification of permits for hazardous waste). That is, I assume that there are no environmental conditions which would adversely affect the value of the property. Should a soil survey reveal hazardous waste, we reserve the right to revise and modify our estimate of value.

I further certify that to the best of my knowledge and belief the information and statements contained in this report are correct; that the value found above represents our best judgment as to the total market value of the fee simple title thereto; that we have no personal interest present or prospective in said property or in the amount of the appraisal value thereof; that our employment or fee is not contingent upon the value reported; that the appraisal has been made in accordance with the standards and practices of the American Institute of Real Estate Appraisers.

The competency provision adopted by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) requires an appraiser to have both the knowledge and experience to perform a specific appraisal assignment properly. Enclosed herein, on page 29, are my qualifications and related appraisal experience which demonstrates my level of competency with respect to the valuation of the subject property.

Respectfully submitted,

DONALD J. NITZ & ASSOC., INC.


Donald J. Nitz, MAI, SRA
President

DONALD J. NITZ & ASSOCIATES, INC.

TABLE OF CONTENTS

PAGE

Summary of Salient Facts and Conclusions	1
Photographs of Subject Property	3
Purpose of the Appraisal	6
Property Rights Appraised	6
Function of the Appraisal	6
Market Value Definition	6
Scope of the Appraisal	7
Identification of the Property	7
Community Data	7
Neighborhood Data	8
Site Description	9
Zoning	9
Assessment and Tax Data	10
Description of the Improvements	10
Highest and Best Use	11
Valuation Premise	13
Cost Approach	14
Income Capitalization Approach	14
Sales Comparison Approach	14
Correlation and Final Value Conclusion	25
Assumptions and Limiting Conditions	26
Certification	28
Qualifications of the Appraiser	29

Addenda

Assessors Tax Map, Topography Map, Legal Description, Letter
from Attorney Vincent Marino, Portion of Memorandum Dated
November 29, 1999

SUMMARY OF SALIENT FACTS AND CONCLUSIONS

PROPERTY ADDRESS: Rear, Country Club Road and
E/S of Interstate 91
Middletown, Connecticut

OWNER OF RECORD: Jeffrey and Linda Pierce

LEGAL REFERENCE: Volume 640, Page 294
Volume 1102, Page 456

PURPOSE OF THE APPRAISAL: To estimate the current market
value of the fee simple estate

FUNCTION OF THE APPRAISAL: To estimate the value of the prop-
erty for possible acquisition
purposes

DATE OF APPRAISAL: August 4, 2000

LAND AREA: 134.5 acres +/-

FRONTAGE: None, access rights denied
to Interstate 91

NATIONAL FLOOD INSURANCE
PROGRAM (FEMA):
DESIGNATION: Zone X
COMMUNITY PANEL NO.: 090068-0007B
EFFECTIVE DATE: July 16, 1990

CONNECTICUT CENSUS TRACT NO: 5414

STANDARD METROPOLITAN
STATISTICAL AREA NO.: 5020

ASSESSMENT AND TAXES: Assessment: \$89,080
Real Estate Taxes: \$2,690.22

ZONING: R-45 Residential Zone

SUMMARY OF SALIENT FACTS AND CONCLUSIONS

PROPERTY TYPE:	Vacant, unimproved land
GROSS BUILDING AREA:	N/A
HIGHEST AND BEST USE:	To preserve the property as open space for passive recreation use.
ESTIMATE MARKETING TIME:	Market value conclusions recognize the characteristics of the subject real estate and consider the current economic environment and its effect on real property. A marketing period can not be realistically established for the subject property due to its uniqueness and limited number of potential buyers.
COST APPROACH TO VALUE:	Not developed
INCOME CAPITALIZATION APPROACH TO VALUE:	Not developed
SALES COMPARISON APPROACH TO VALUE:	\$336,250

PHOTOGRAPHS OF SUBJECT PROPERTY



1. General interior view of the subject property.

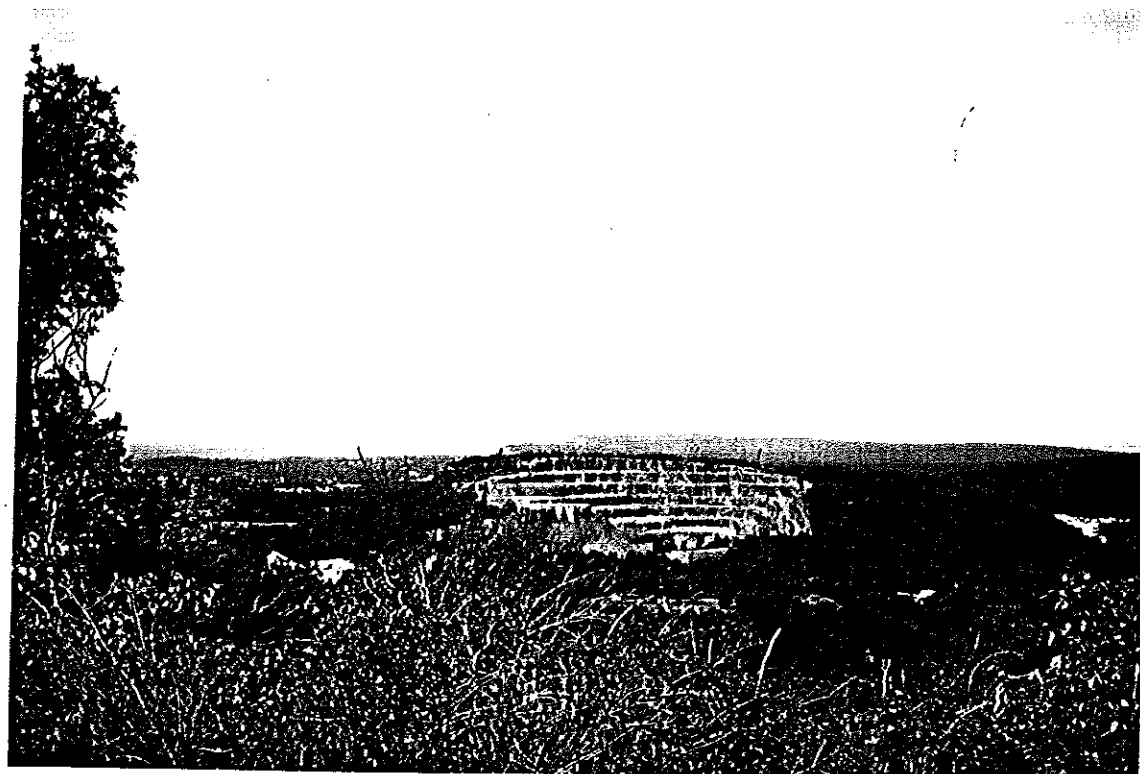


2. General interior view of the subject property.

PHOTOGRAPHS OF SUBJECT PROPERTY



3. View from the northern peak, looking northerly.



4. View from the northern peak, looking south westerly.

PHOTOGRAPHS OF SUBJECT PROPERTY



5. View from the northern peak, looking southeasterly.



6. General view of the subject looking south easterly across Interstate 91.

PURPOSE OF THE APPRAISAL

The purpose of this appraisal is to estimate the current market value of the fee simple estate in the property being appraised, as of August 4, 2000.

PROPERTY RIGHTS APPRAISED

Fee simple estate is defined as "Absolute ownership unencumbered by any other interest or estate; subject only to the limitations of eminent domain, escheat, police power, and taxation", The Dictionary of Real Estate Appraisal, published by the American Institute of Real Estate Appraisers, Page 123.

FUNCTION OF THE APPRAISAL

It is my understanding that this appraisal is to be utilized to assist the client in estimating the value of the subject property for possible acquisition purposes.

MARKET VALUE DEFINITION

Market Value is defined as "the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently, knowledgeably and assuming the sale is not affected by undue stimulus". Implicit in this definition is the consummation of the sale as of a specified date and the passing of title from the seller to buyer under conditions whereby:

1. buyer and seller are typically motivated;
2. both parties are well informed or well advised, and each acting in what they consider their own best interest;
3. a reasonable time is allowed for exposure in the open market;
4. payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
5. the price represents a normal consideration for the property sold unaffected by special or creative financing or sale concessions granted by anyone associated with the sale.

Source: Federal Register, Volume 55, No. 164, dated August 23, 1990, Rules and Regulations and in the FDIC's final rule of FIRREA - 12CFR, Part 323.2.

QSM 1011430.1

SCOPE OF THE APPRAISAL

In the process of completing this appraisal report, my activities included but were not limited to the following:

1. A physical inspection of the subject property on August 4, 2000 together with Jeffrey Pierce.
2. Research of all pertinent public records available in the Middletown Assessor's and Town Clerk's Offices as well as the Planning and Zoning Department;
3. A review for any survey maps available for the subject property;
4. A survey and analysis of all pertinent market data, including sales activity, financing terms, competition, etc.;
5. The development of the Sales Comparison Approach

IDENTIFICATION OF THE PROPERTY

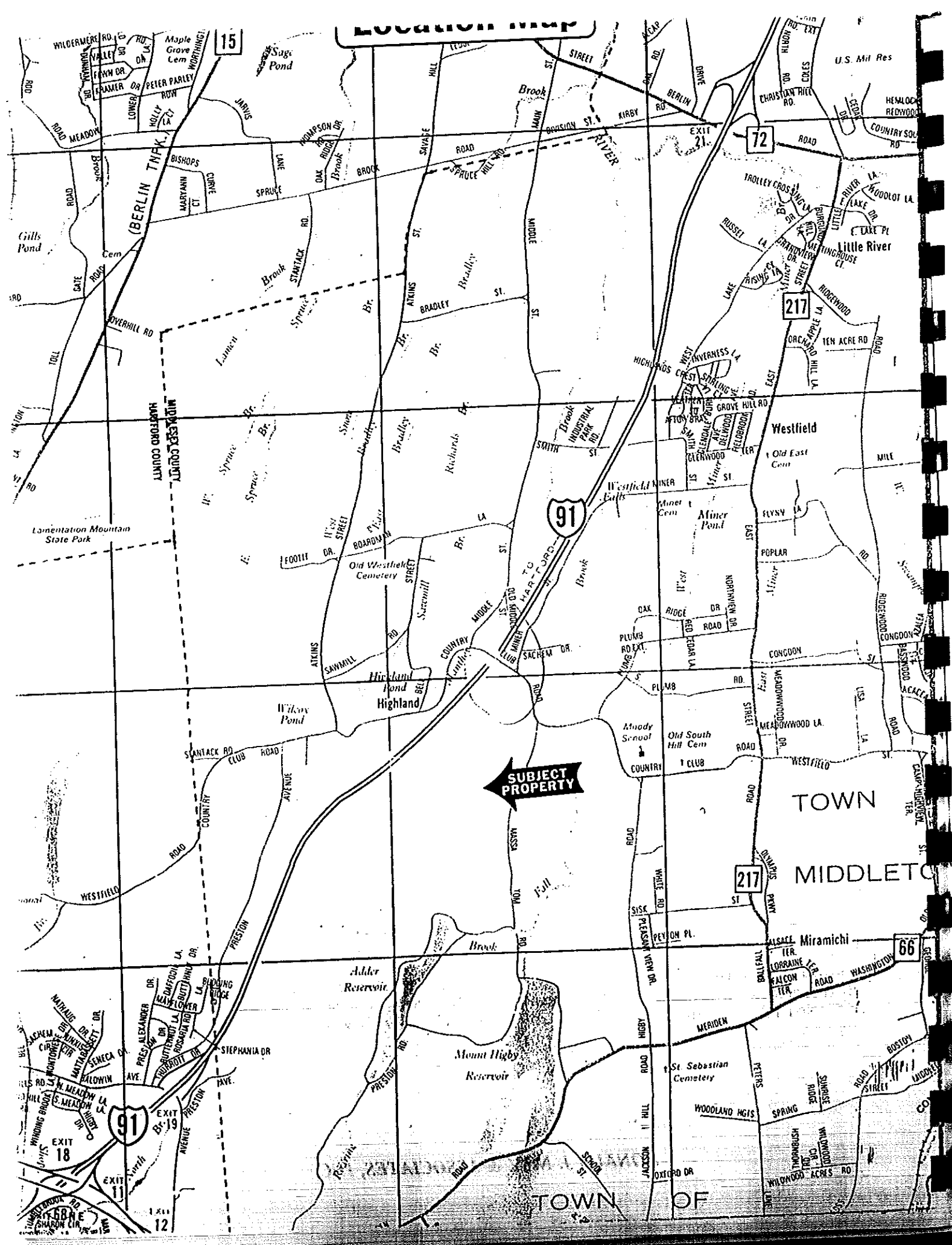
An examination of the land records of the City of Middletown, as indexed in Volume 640, Page 302, disclosed that Linda B. Pierce is the owner of certain pieces or parcels of land situated in the City of Middletown, County of Middlesex and State of Connecticut. The property is identified on the assessor's tax maps as Map No. 4, Block 10-1, Parcel 7. The previous transfer was Volume 640, Page 294, dated October 21, 1981.

An examination of the land records of the City of Middletown as indexed in Volume 1102, Page 456 disclosed that Jeffrey D. Pierce and Linda B. Pierce are the owners of certain pieces or parcels of land situated in the City of Middletown, County of Middlesex and State of Connecticut. The property is identified on the assessors tax maps as Map 4, Bloc 20-1.

A copy of the legal descriptions of record may be found in the Addenda of this appraisal report.

COMMUNITY DATA

The City of Middletown is located in the northwesterly corner of Middlesex County at the intersections of New Haven and Hartford Counties and is bordered on the north by the Towns of Berlin and Cromwell, on the east by the Towns of Portland and East Hampton (separated by the Connecticut River), on the south by the Towns of Haddam and Durham and the west by the Town of Middlefield and City of Meriden; encompassing an area of approximately 42.9 square miles.



COMMUNITY DATA

Middletown is located geographically in the center of the state, within the Hartford/New Haven corridor between Inter-state 91 and Route 9. In addition, secondary Routes 322 (formerly known as Route 66), 372 and 3 provide Middletown with excellent accessibility to four major employment centers including Hartford, Middletown, New Haven and New Britain. Connecticut Route Nos. 147, 157 and 17 all travel in a generally north/south direction and link the central portion of the city to the Towns of Durham and Middlefield to the south.

According to the Connecticut Market Data Report as published by the Connecticut Department of Economic Development - Research and Planning Division, the City of Middletown had a reported 1992 population of approximately 42,603 persons which indicated a population density of 9.931 persons per square mile. The 1992 population represents a .37% decrease over the 1990 U.S. Census Bureau reported population of 42,762 persons. The reported 1990 population represents a 9.5% increase over the reported 1980 population of 39,040 persons. The projected population for 2000 is approximately 43,000.

The total labor force in the City of Middletown, as of January 1996 was 23,605 persons of which approximately 21,890 persons were employed and 1,715 persons were unemployed indicating an unemployment rate of 7.3% which is higher than the overall rate for the Hartford Labor Market Area of 6.2% and 5.8% (not seasonally adjusted) for the State of Connecticut for the same period.

The City of Middletown has a mayor, common council form of government with a full time police and fire department.

In conclusion, the general and specific location of the City of Middletown is considered to be above average with respect to proximity to major highways, employment centers and urban amenities.

NEIGHBORHOOD DATA

The subject property is located within the northwesterly section of Middletown being approximately two miles easterly of the Meriden/Middletown city line and approximately three and three quarter miles westerly of the city's municipal and central business district. Interstate 91, which is a major north/south limited access highway that extends through Connecticut from New Haven on the south to the Massachusetts border passes through the neighborhood. Country Club Road, which also passes through the neighborhood is an east/west roadway that begins at the Middletown/Meriden city line and extends to East Street. A full interchange with Interstate 91 is located at the point the two roadways intersect. Located on the westerly side of this intersection are several newer office buildings. An industrial park and the facilities of Aetna Insurance are located to the north. The remaining areas on both sides of Interstate 91 are primarily residential with large parcels of undeveloped land.

[illegible]

new right-of-way

Monthly
Statement of Expenses
for
May 1944

2000000000
2000000000
2000000000
1000000000

NEIGHBORHOOD DATA

The immediate neighborhood is dominated by Higby Mountain, which is a trap rock ridge that extends from Route 66 northerly to Country Club Road and parallel to Interstate 91. The Mattabasset Trail passes through the mountain and the Addler and Mount Higby reservoirs are located to the southeast of the ridge.

Overall, the subject neighborhood is considered to be a primarily residential area enjoying good accessibility to major highways, employment centers and neighborhood support facilities.

SITE DESCRIPTION

The subject property consists of an elongated irregularly shaped rear parcel of land having approximately 5,272 feet of non access frontage along the easterly side of Interstate 91, containing an area of approximately 134.5 acres. The property has no useable street frontage, however access is assumed to be available over Massa Tom Road (not a municipal public highway) and an undefined R.O.W. over land lying between Massa Tom Road and the subject property.

The site consists mostly of sloping contours ranging from rolling to extreme. The westerly most portion is generally at the elevation of Interstate 91 (elevation 200 - 250 +/-) before rising sharply in an easterly direction to two peaks (elevations 760 and 730 feet +/-). The site then slopes downward at varying degrees to the easterly property line. No information was available with respect to inland wetlands and no obvious areas were visible at the time of inspection. Because of the sloping nature of the property the only potential wetlands would be located in the north east quadrant.

The subject site lightly to heavily wooded with numerous rock outcroppings. Only general information is available pertaining to subsurface soil conditions, however, a physical inspection indicates that substantial and extraordinary costs would be incurred with respect to development of the property. This inspection did not reveal any outward signs of hazardous materials or soil contamination.

No public utilities are directly available to the property. No information was available to determine the suitability of the soils for on site septic systems.

ZONING

The subject property is located in the R-45 Residential Zone Classification.

Uses permitted include a detached single family dwelling, farming and natural open space conservation lands or wildlife and forest preserves.

ZONING MAP

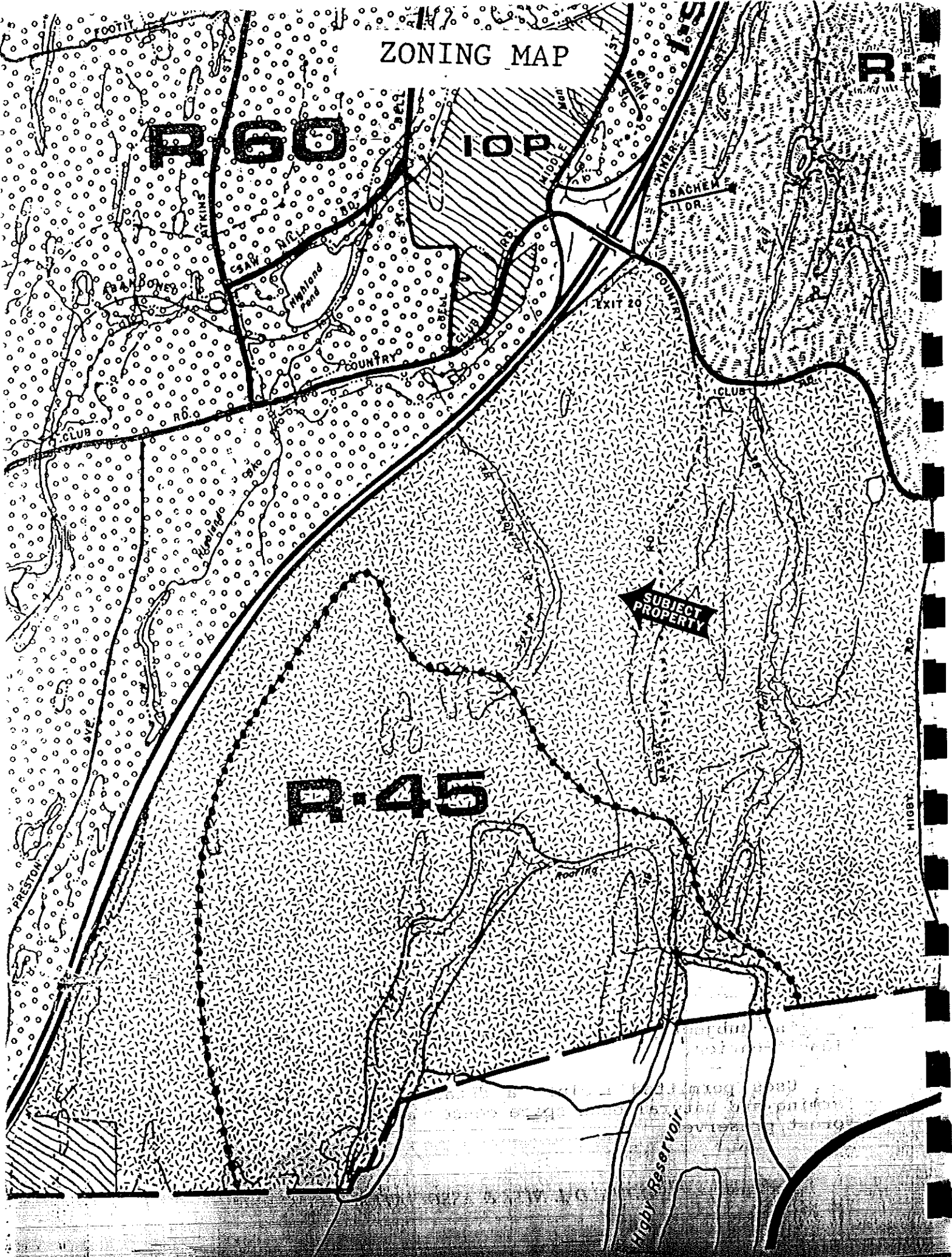
R-60

IOB

R

R-45

SUBJECT
PROPERTY



ZONING

Uses permitted by Special Exception subject to site plan approval include child care facilities, fraternity and sorority houses, elderly housing, extraction of natural resources, stands for the display and sale of farm, truck garden, forestry and nursery produce grown on the premises, municipal buildings, churches and places of worship, convents and monasteries, colleges, universities, educational institutions, cemeteries, libraries and museums, outdoor municipal recreational uses, developed open space e.g., arboreta and home occupations.

Yard and bulk regulations are as follows:

Minimum Requirements

Lot Area:	40,000 Sq.Ft.
Frontage and Lot Width:	200 Feet
Front Yard:	25 Feet
Side Yard:	30 Feet Total
Rear Yard:	30 Feet

Maximum Requirements

Building Coverage:	25 Percent
Building Height:	3.5 Stories

ASSESSMENT AND TAX DATA

The City of Middletown currently assesses real estate on the basis of 70% of market value as established by the 1998 revaluation. The base tax rate applicable for the October 1, 1999 Grand List is 29.0 mills. An additional tax applicable to the Westfield Fire District is 1.20 mills. The total mill rate applicable to the subject property is 30.2 mills. The current assessments and tax burdens are as follows:

Land - (119.5 Acres)	\$47,250.00
Land - (15 Acre)	\$41,830.00
Total:	\$89,080.00
Current Annual Tax Burden:	\$ 2,690.22

The 119.5 acres in the name of Linda B. Pierce is classified and assessed as forest land under Public Act 120. The remaining 15 acres is assessed as residential acreage.

DESCRIPTION OF THE IMPROVEMENTS

Currently, the site consists of vacant unimproved land, therefore, no further improvement descriptions are applicable.

HIGHEST AND BEST USE

Highest and best use is defined in the Dictionary of Real Estate Appraisal, published by the American Institute of Real Estate appraisers, Page 152, as:

1. the reasonable and probable use that supports the highest value of vacant land or improved property, as defined, as of the date of the appraisal;
2. the reasonably probable and legal use of land or sites as though vacant, found to be physically possible, appropriately supported, financially feasible, and that results in the highest present land value; and
3. the most profitable use.

Implied in these definitions is that the determination of highest and best use takes into account the contribution of a specific use to the community and community development goals as well as the benefits of that use to individual property owners. Hence, in certain situations, the highest and best use of land may be for parks, greenbelts, preservation, conservation, wildlife habitats, and the like.

In determining the highest and best use for the subject properties, consideration has been given to the general and specific location; size, shape and topography; zoning to which it is subject; availability of utilities; and the demand for residential land within the City of Middletown and the surrounding market area.

The subject property consists of a 134.5 acre +/- elongated and irregularly shaped parcel of land containing no frontage on an improved street. Approximately 5,272 feet of frontage along the southeasterly side of Interstate 91 has rights of access denied. The topography consists of rolling and steep contours with high elevations and the possibility of a small area of wetlands in the northeasterly most portion.

The general neighborhood is residential in character consisting of both older and newer single family dwellings and large amounts of vacant land. In addition, the area enjoys convenient access to Interstate 91, which provides accessibility to the southern and central Connecticut corridor.

The subject property is located in the R-45 Residential Zone Classification which permits residential improvements on lots containing a minimum of 40,000 square feet. Based upon a review of zoning requirements within the R-45 Zone Classification as well as a physical of the site, it is my opinion that the property has no potential to be subdivided into residential building lots.

HIGHEST AND BEST USE

Although the property contains considerable amounts of trap rock, the potential for a profitable mining operation is not considered to be realistic. B.S

After considering all relevant factors, it is my opinion that the highest and best use of the subject property is for its preservation as open space land for passive recreational purposes.

VALUATION PREMISE

In the valuation of the subject property, consideration has been given to the three accepted methods of valuing real estate.

COST APPROACH - A set of procedures in which an appraiser derives a value indication by estimating the current cost to reproduce or replace the existing structure deducting for all accrued depreciation in the property and adding the estimated land value.

SALES COMPARISON APPROACH - A set of procedures in which an appraiser derives a value indication by comparing the property being appraised to similar properties that have been sold recently, applying appropriate units of comparison, and making adjustments, based on the elements of comparison, to the sale prices of the comparables. *

INCOME CAPITALIZATION APPROACH - A set of procedures in which an appraiser derives a value indication for income-producing property by converting anticipated benefits into property value. This conversion is accomplished either by 1) capitalizing a single year's income expectancy or an annual average of several years' income expectancies at a market-derived capitalization rate or a capitalization rate that reflects a specified income pattern, return on investment, and change in the value of the investment; or 2) discounting the annual cash flows for the holding period and the reversion at a specified yield rate.

Dictionary of Real Estate Appraisal

American Institute of Real
Estate Appraisers, Pages
75, 268 and 159 respectively

VALUATION PREMISE

The subject properties value is being established in accordance with my conclusions as set forth in the highest and best use analysis.

COST APPROACH

This approach consists of establishing the properties unimproved land value, the estimated depreciated cost of the improvements and the estimated contributory value of the site improvements. The sum total of these items establishes the indicated value by the Cost Approach.

The Cost Approach is developed for the purpose of establishing the market value of new or nearly new improved properties that represent the highest and best use of the land. Inasmuch as the subject properties are vacant land, this valuation method has not been developed.

INCOME CAPITALIZATION APPROACH

Although land is sometimes leased for development, it does not possess the typical characteristics of an investment property. Therefore, this approach to value has not been developed in this appraisal report.

SALES COMPARISON APPROACH

It has been determined that the Highest and Best use of the subject property is to preserve it as open space for passive recreational usage. This conclusion was based on several factors including its lack of accessibility and extreme physical characteristics. Properties of this type are sometimes purchased for assemblage with adjoining land that may add utility to the combined parcels. More often, land of this type is acquired by municipalities, the State of Connecticut, various conservation groups, clubs, etc. for preservation as open space or private recreational use. In recent years acquisition activity has increased due to the availability of financial grants from the State of Connecticut.

The two principal characteristics of the subject property are its lack of accessibility and physical extremes. As a result, the Sales Comparison Approach utilizing sales of acreage having one or both of these characteristics is considered to be the most applicable method of valuation. In addition to closed sales, consideration is being given to current agreements to purchase properties by municipalities who have negotiated purchase prices and have been awarded grants to partially fund these purchases by the State of Connecticut.

SALES COMPARISON APPROACH

Consideration has also been given to a second set of acreage sales that have superior access and utility to the subject property and/or are subject to development right grants. All of these sales were purchased by an adjacent owner are considered to be superior to the subject property.

The following sales data has been considered:

LAND SALE NO. 1

Address: W/S Stantack Road (unimproved)
Middletown, CT.
Grantor: → Martha Verlund et al
Grantee: City of Middletown
Reference: N/A
Date of Sale: Agreement to purchase
Land Area: 67.6 acres
Zoning: Residential (R-60)
Frontage: None
Utilities: None
Sale Price: \$105,000
Sale Price Per Acre: \$1,553.00

Comments: The sale property consists of 6 non contiguous irregularly shaped wooded hill side parcels of land ranging in size from 6.2 acres to 28.6 acres. The parcels are located on Lamentation Mountain with no useable street frontage. Stantack Road is a paper street that is not a public highway and is not the responsibility of the City of Middletown for maintenance or improvement. It may provide some limited access to the sale properties.

Acquisition price and information provided by William Warner, director of Planning, Conservation and Development, City of Middletown.

LAND SALE NO. 2

Address: W/S Stantack Road (unimproved)
Middletown, CT.
Grantor: → Nancy C. Caputi
Grantee: Roger C. & Tammy A. Anderson
Reference: Volume 1188, Page 481
Date of Sale: January 28, 1999
Land Area: 10 acres (per deed)
Zoning: Residential (R-60)
Frontage: None
Utilities: None
Sale Price: \$14,500
Sale Price Per Acre: \$1,450

Comments: The sale property is an elongated rectangular shaped wooded hillside parcel of land with no useable street frontage. Stantack Road is a paper street that is not a public highway and is not the responsibility of the City of Middletown for maintenance or improvement. It may provide limited access to the sale property. The property, which is located on Lamentation Mountain, slopes upward to the peak which is the Middletown/Berlin boarder.

LAND SALE NO. 3

Address: W/S Stantack Road (unimproved)
 Middletown, CT.
 Grantor: → Martha S. Verlund et al
 Grantee: Berlin Land Trust
 Reference: Volume 1174, Page 55
 Date of Sale: September 10, 1998
 Land Area: 12.5 acres
 Zoning: Residential (R-60)
 Frontage: None
 Utilities: None
 Sale Price: \$25,000
 Sale Price Per Acre: \$2,000

Comments: The sale property is an elongated rectangular shaped hillside parcel of land with no useable street frontage. Stantack Road is a paper street that is not a public highway and is not the responsibility of the City of Middletown for maintenance or improvements. It may provide limited access to the sale property. The property is located on Lamentation Mountain and is subject to an agreement that allows for the Blue Trail or similar hiking trail to be maintained on the property, provided that said trail is located within the rear 200 feet of the westerly boundary.

LAND SALE NO. 4

Address: W/S Stantack Road (unimproved)
 Middletown, CT.
 Grantor: Robert L. Curzan, Committee
 Grantee: → James E. Morelli, Jr.
 Reference: Volume 1102, Page 687
 Date of Sale: June 10, 1996
 Land Area: 30.279 acres
 Zoning: Residential (R-60)
 Frontage: None
 Utilities: None
 Sale Price: \$54,000
 Sale Price Per Acre: \$1,783

Comments: The sale property consists of two non contiguous elongated hillside parcels of land containing 16.594 and 13.685 acres located on the W/S of Stantack Road on Lamentation Mountain. Stantack Road is a paper street that is not a public highway and is not the responsibility of the City of Middletown for maintenance or improvement. It may provide limited access to the sale property. The parcels rise to the peak of the mountain which is the Berlin/Middletown boarder.

↓
 B.S. !!

LAND SALE NO. 5

Address: Rear, Chamberlain Highway, Berlin,
CT.
Grantor: Anthony Ponzillo
Grantee: City of Meriden
Reference: N/A
Date of Sale: Agreement to purchase
Land Area: 55.2 acres
Zoning: MR-1 (Mountain Reserve I District)
Frontage: None
Utilities: None
Sale Price: \$165,000
Sale Price Per Acre: \$2,989

Comments: The sale property consists of a highly irregular shaped, hilly, wooded, and rocky, rear parcel of land with an elevation ranging from approximately 425 feet to 650 feet above sea level. The southerly and easterly boundaries of the site are at the Berlin/Meriden town lines. The westerly boundary lines abut other vacant parcels of land and the northerly boundary lies within close proximity to the Elmore Reservoir. Park Drive, a Town maintained roadway, is within proximity to the subject to west and the Chamberlain Highway, a.k.a. Route 71, is within close proximity to the subject site to the east. Public records indicate that the subject parcel does not have direct frontage on either roadway; consequently. Some form of minimal access is assumed to be available to the property.

Information and acquisition price provided by Roger Kemp, City Manger, City of Meriden.

LAND SALE NO. 6

Address: Rear, Higganum Road, Durham/
Killingworth, CT.
Grantor: David Sandstrom, Sr. et al
Grantee: State of Connecticut
Reference: Volume 161, Page 363
Date of Sale: November 11, 1998
Land Area: 45.11 acres
Zoning: Residential
Frontage: None
Utilities: None
Sale Price: \$78,000
Sale Price Per Acre: \$1,729

Comments: The sale property consists of an irregular shaped parcel of forest land with rolling topography and steep grades. The site has 17.11 acres in the southeast portion of Durham and 28 acres in the northern portion of Killingworth. The property has approximately 1,250 feet of frontage on an abandoned road known as Bunker Hill Road with no vehicular access and abuts the Cockaponset State Forest.

LAND SALE NO. A

Location: Durham-Madison Road, Route 79, Madison
Grantor: The Nature Conservancy of Connecticut, Inc.
Grantee: The Hammonasset Fishing Association
Date of Sale: September 28, 1998
Reference: Volume 818, Page 154 & 160
Sale Price: \$300,000
Zone: RU-1
Land Area/Frontage: 67.41 acres/51.12 feet
Land Data: This sale consists of two, irregularly shaped and contiguous parcels land that are heavily wooded and include a small band of wetlands. The parcel also has access at the terminus of Suffolk Drive.
Comments: The property was sold subject to a conservation easement and other development limitations for open space and recreational use by the grantee.
Financing: None recorded
Sale Price/Acre: \$4,450

LAND SALE NO. B

Location: 1339 Whirlwind Hill Road, Wallingford
Grantor: Coag Farms
Grantee: Joseph A. and Mary L. Gouveia
Date of Sale: July 26, 1999
Reference: Volume 935, Page 701
Sale Price: \$580,000
Zone: RU-120
Land Area/Frontage: 140.01 Acres per 1,093.46 feet
Land Data: The sale property consists of an irregularly shaped parcel of cleared land with rolling contours, located in an RU-120 Zone. The site has 1,093.46 feet of frontage along Whirlwind Hill Road and contains a pond and inland wetlands. Utilities available to the site include electricity and telephone. Water and sewage disposal are by on site wells and septic systems.
Comments: The property has deeded development rights and one dwelling and agricultural buildings are permitted must be utilized for agricultural purposes.
Financing: None recorded
Sale Price/Acre: \$4,142.56

LAND SALE NO. C

Location: Hart Road (rear), Guilford
Grantor: Roberta Trotta Palumbo and Salvatore F. Trotta
Grantee: The Guilford Sportsmen Association, Inc.
Date of Sale: March 12, 1999
Reference: Volume 510, Page 1023
Sale Price: \$198,000
Zone: R-8
Land Area/Frontage: 42 acres/none (R.O.W.)
Land Data: This sale consists of rear parcel of land that is accessible from a right of way leading to Old Woods Road. The site is irregular in shape, heavily wooded and has a varied topography. A stream bisects the parcel and there are various wetland areas.
Comments: The property was purchased by an adjacent owner for open space and recreational use.
Financing: The Guilford Savings Bank provided a mortgage of \$175,000. The mortgage is secured by the sale property and other parcels of land. The note is due April 1, 2009 and has an interest rate of 7.5%.
Sale Price/Acre: \$4,714

LAND SALE NO. D

Location: Killingworth-Durham Road, Route 148, Killingworth
Grantor: Herman J. and Joan M. Hoil
Grantee: The Madison Rod and Gun Club, Inc.
Date of Sale: January 28, 1999
Reference: Volume 153, Page 339
Sale Price: \$200,000
Zone: R-2
Land Area/Frontage: 45.13 acres/71.45 feet
Land Data: This sale consists of three irregularly shaped parcels that have 71.45 feet of frontage on an improved road as well as extensive frontage on an unimproved road. The site is heavily wooded and evidences a varied topography. There are various wetland areas as well as evidence of ledge.
Comments: Purchased by an adjacent owner for expansion of their recreational based organization.
Financing: The Guilford Savings Bank provided a mortgage of \$200,000 secured by this sale and other land of the buyer; 7.5% interest rate; rate adjustment after 10 years; note is due February 1, 2019.
Sale Price/Acre: \$4,432

LAND SALE NO. E

Location: W/S Killingworth-Durham Road (Route 148), Killingworth
 Grantor: Silliman Associate, GP (William E. Hoblitzelle III and Susan Addiss, Partners)
 Grantee: The Nature Conservancy of CT., Inc.
 Date of Sale: March 10, 1998
 Reference: Volume 148, Page 592
 Sale Price: \$256,000
 Zone: R-2
 Land Area/Frontage: 148.8794 acres/288 feet
 Land Data: This sale property is a large, irregularly shaped, wooded parcel which includes 5,087.01 feet of frontage along the discontinued Jay Dowd Road and 250 feet of frontage along the abandoned Pea Hill Road. The parcel slopes downward in a northwesterly direction from Route 148 and the majority appears to be inland/wetlands. The parcel also evidences outcroppings along Route 148. Utilities available to the site include electric and telephone. Water and sewerage disposal is by means of individual on site wells and septic systems.
 Comments: The parcel abuts land owned by the Hammonasset Fishing Association and South Central Connecticut Regional Water Authority.
 Financing: None recorded
 Sale Price/Acre: \$1,720

LAND SALE NO. F

Location: N/E Killingworth-Durham Road (Route 148), and Little City Road, Killingworth
 Grantor: W.E. Hoblitzelle III
 Grantee: The Nature Conservancy of CT., Inc.
 Date of Sale: December 15, 1997
 Reference: Volume 145, Page 888
 Sale Price: \$350,000
 Zone: R-2
 Land Area/Frontage: 76.6459 acres/ 1,679.54 = Rt. 148, 1,362.56 feet = Little City Road
 Land Data: The topography for the most part, is substantially depressed below Route 148 and represents inland/wetlands, thus mitigating the amount of frontage. The parcel evidences a rolling topography along Little City Road and includes rock outcroppings. Utilities available to the site include electricity and telephone. Water and sewerage disposal is by means of on site wells and septic systems.

LAND SALE NO. F (CONTINUED)

Comments: The sale property abuts land of the Hammonasset Fishing Association on the north and the Cockaponset Forest on the east.

Financing: None recorded

Sale Price/Acre: \$4,566

LAND SALE NO. G

Location: E/S Flanders Road, N/S Smith Street, Southington, Connecticut

Grantor: M. Stewart Ramsey a.k.a. Matthew S. Ramsay

Grantee: Romanik Associates, LLC

Date of Sale: October 27, 1995

Reference: Volume 631, Page 419

Sale Price: \$400,000

Zone: R-40 and R-80 Residential

Land Area: 101.786 acres (based upon recorded survey map)

Comments: The sale property is located in the north-easterly section of Southington. The site consists of an irregularly shaped parcel of land having 761.84 feet of frontage along the easterly side of Flanders Road and 999.26 feet of frontage along the northerly side of Smith Street (unimproved) containing a total land area of 101.786 acres. The development rights to 98.406 acres of the total land area were conveyed to the State of Connecticut on November 11, 1984. Currently the site consists of an active orchard which contains level to rolling and sloping contours. There is a 30' wide gas transmission easement which bisects the property in a north/south direction in the westerly portion of the site. There are no improvements on the property. Utilities available to the site include electricity and telephone service. Based upon the restricted development rights, the property can not be subdivided. Agricultural buildings and a dwelling could be constructed on the property but the property must remain in agricultural use.

Financing: A \$250,000 promissory note was provided by the seller at an interest rate of 7% with monthly payments of \$2,902.71. The note is due and payable in full on October 27, 2005.

LAND SALE NO. G (CONTINUED)

In addition, a \$75,000 promissory note was provided by the seller at an interest rate of 8%. The principal on this note is to be paid in three equal installments of \$25,000 each and are due December 1, 1995, February 1, 1996 and August 1, 1996.

The mortgage holder will release the portion of the property not restricted (2.065 acres) from the lien provided that all payments are current and that the borrower makes a principal prepayment of 2/3 of the net sales proceeds toward the balance due on the \$75,000 note with any excess being applied to the balance due on the \$250,000 note.

The seller has a first right of refusal to purchase the property. The first right of refusal is personal to M. Stewart Ramsay and is not transferable and expires upon his death.

Sales Price/Acre: \$3,930

LAND SALE NO. H

Location: North side of Higganum Road, Durham, Middlesex County, Connecticut
Grantor: Richard B. Rowe
Grantee: Robert F. and Susan Stosse
Date of Sale: November 22, 1994
Reference: Volume 144, Pages 510-512
Sales Price: \$207,500
Zone: RR, Rural Residential
Land Area: 75.86 Acres
Land Data: The sale property consists of a tract of land containing approximately 75.86 total acres. The entire property is subject to a State of Connecticut Farm Land Development Rights Easement. The property has road frontage along the north side of Higganum Road, is irregularly shaped and is a combination of wooded and open land. There are approximately 50.0 acres of open land and approximately 25.86 acres of woods and waste. There is public electricity and telephone on the site.
Comments: The parcel was purchased by a horse farmer who intends to use the tract as the site for his horse operation. Included in the sale were three former poultry houses. Two of the buildings have been razed and the third, containing 1,728 square feet was renovated and is being used as part of the horse farm operation.

LAND SALE NO. H (CONTINUED)

Financing: Financing was provided by New Haven Savings Bank in the amount of \$275,000.
Sale Price/Acre: \$2,735

SALES COMPARISON APPROACH

Analysis of Sales Data

In the opinion of your appraiser, the foregoing sales data represents the best information available for estimating the indicated value of the subject property. All of these sale properties have little or no development potential because they have no actual frontage or the existing frontage is unusable, they have unstable soil conditions or irregular topography, and/or are subject to flooding or various legal encumbrances such as inland wetlands etc..

The typical specific adjustment factors such as zoning, size, location, availability of utilities, etc., have little or no bearing on the valuation of undevelopable land such as the subject property. Therefore, only general considerations apply with respect to utility of the properties. That is, a property which is hilly or level can be utilized for passive recreation and one that has development rights restrictions can be used only for agricultural purposes. A general adjustment also applies for size when there is significant differences between properties.

In the case of the subject property the vast majority of the site is steep mountainside with the only potentially useable area for passive recreation. Most weight was given to sales 1-6 which have very limited or questionable means of access and/or physical characteristics that severely limit or prohibit development. Sales A-H are all considered superior with superior access, utility and development potential.

After making general adjustments considered applicable, it is my opinion that the subject property has an indicated value of \$2,500 per acre.

Then: 134.5 acres x \$2,500/acre = \$336,250

CORRELATION AND FINAL VALUE CONCLUSION

Indicated Value Via the Cost Approach: Not Developed

Indicated Value Via the Income
Capitalization Approach:

Not Developed

Indicated Value Via the Sales
Comparison Approach:

\$336,250

All three approaches to value were considered in this appraisal report. The Cost Approach and Income Approach were not developed inasmuch as the subject property is unimproved vacant land available for development. The Direct Sales Comparison Approach was the only method of valuation developed in this appraisal report.

Predicated upon information set forth in this appraisal report, together with your appraiser's judgment and experience, it is my opinion that the subject property, as herein described, as of August 4, 2000, has an Indicated Market Value of:

THREE HUNDRED THIRTY SIX THOUSAND TWO HUNDRED FIFTY DOLLARS
(\$336,250)

Respectfully submitted,

DONALD J. NITZ & ASSOCIATES, INC.


Donald J. Nitz, MAI, SRA
President

ASSUMPTIONS AND LIMITING CONDITIONS

The following assumptions and limiting conditions apply to this appraisal.

The legal description furnished is assumed to be correct.

No responsibility is assumed for matters legal in character, nor is any opinion rendered as to title, which is assumed to be good.

The plot plan in this report is included to help the reader to visualize the property. No survey of this land has been furnished the appraiser, and no responsibility is assumed in connection therewith.

To the best of the appraiser's knowledge and belief, the statements and opinions contained in this report are supportable. The factual data has been compiled by the appraiser from sources deemed reliable, but no responsibility is assumed for its accuracy.

Disclosure of the contents of this appraisal report is governed by the By-Laws and Regulations of the Appraisal Institute.

Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser or the firm with which he is connected or any reference to the Appraisal Institute or to the MAI or SRA designation) shall be disseminated to the public through advertising media, public relations media, news media, sales media or any other public means of communication without the prior written consent and approval of the undersigned.

This appraiser, by reason of this report, is not required to give testimony or be in attendance in any court or before any Governmental body with reference to the property in question, unless arrangements have been made previously.

The fee received for this assignment is in no matter contingent upon the estimate of value reported.

The existence of potentially hazardous material used in the construction or maintenance of the building, such as the presence of urea-formaldehyde foam insulation, asbestos, and/or the existence of toxic waste which may or may not be present on the property, was not observed by me nor do we have any knowledge of the existence of such materials on or in the property. Your appraiser is not qualified to detect such substances and we urge the client to retain an expert in this field. The existence of urea-formaldehyde insulation, asbestos, or other potentially hazardous waste material may have an effect on the value of the property.

ASSUMPTIONS AND LIMITING CONDITIONS

Limiting Conditions Relating to the ADA

The Americans with Disabilities Act (ADA) became effective January 26, 1992. We have not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA. It is possible that a compliance survey of the property together with a detailed analysis of the requirements of the ADA could reveal that the property is not in compliance with one or more of the requirements of the act. If so, this fact could have a negative effect upon the value of the property. Since we have no direct evidence relating to this issue, we did not consider possible noncompliance with the requirements of ADA in estimating the value of the property.

DECLARATIONS AND CERTIFICATION

1. That I have personally examined the property and have examined other properties and used my best endeavors to find all possible pertinent data upon which my final value estimate has been based.

2. I have no present or contemplated future interest in the real estate that is the subject of the appraisal report.

3. I have no personal interest or bias with respect to the subject matter of this appraisal report or to the parties involved.

4. To the best of my knowledge and belief, the statements of fact contained in this appraisal report, upon which the analyses, opinions and conclusions expressed herein are based, are true and correct.

5. This appraisal report sets forth all of the limiting conditions (imposed by the terms of our assignment or by the undersigned) affecting the analyses, opinions and conclusions contained in this report.

6. This appraisal report has been made in conformity with and is subject to the requirements of the Code of Professional Ethics and Standards of Professional Conduct of the Appraisal Institute.

7. This appraisal assignment was not based on a requested minimum valuation, a specific valuation or the approval of a loan.

8. No one other than the undersigned prepared the analyses, conclusions and opinions concerning real estate that are set forth in this appraisal report.

9. The Appraisal Institute conducts a voluntary program of continuing education for its designated members. MAIs and SRAs who meet the minimum standards of this program are awarded periodic educational certification. Mr. Nitz is not currently certified under the Appraisal Institute's voluntary continuing education program.


Donald J. Nitz, MAI, SRA

QUALIFICATIONS AND EXPERIENCE OF DONALD J. NITZ, MAI, SRA

President, Donald J. Nitz & Associates, Inc., North Haven, CT

Experience

Actively engaged as a Real Estate Appraiser since January 1966.

Has qualified as an Expert Witness in the State and Federal courts and has testified before various boards and commissions.

Services include real estate appraisals for acquisition, sales, tax appeals, condemnations, mergers, estates, financing, etc.

Education

B.S. Degree from the University of Connecticut
On-going attendance at Real Estate Appraisal courses and seminars
As of the date of this report, I, Donald J. Nitz, have not completed the requirements under the continuing education program of the Appraisal Institute

Professional Affiliations

MAI - Member Appraisal Institute
SRA - Senior Residential Appraiser - Appraisal Institute
Certified General Appraiser, State of Connecticut, No. 00000174, effective 5/1/00
Realtor, Greater New Haven Association of Realtors, Inc.

Partial List of Clients

Financial Institutions

Fleet Bank
Webster Bank
New Haven Savings Bank
Citicorp Mortgage
Hudson United Bank
Bank Boston, Connecticut
Bank of New Haven
Connecticut Bank of Commerce
Liberty Bank
American Bank of Connecticut
Home Loan and Investment Bank

Federal Agencies
Federal Deposit Insurance Corp.
(F.D.I.C.)

Asset Management Companies
Recoll Management Corp.
Consolidated Asset Recovery Corp.
J.E. Roberts Co. of New England

Mortgage Companies
McCue Mortgage Co.
Northeast Mortgage Corp.
The Money Store

Municipalities
Town of North Haven
City of New Haven
Town of Wallingford
Town of Hamden
Town of Cheshire

Others - Corporations, attorneys, developers, private clients

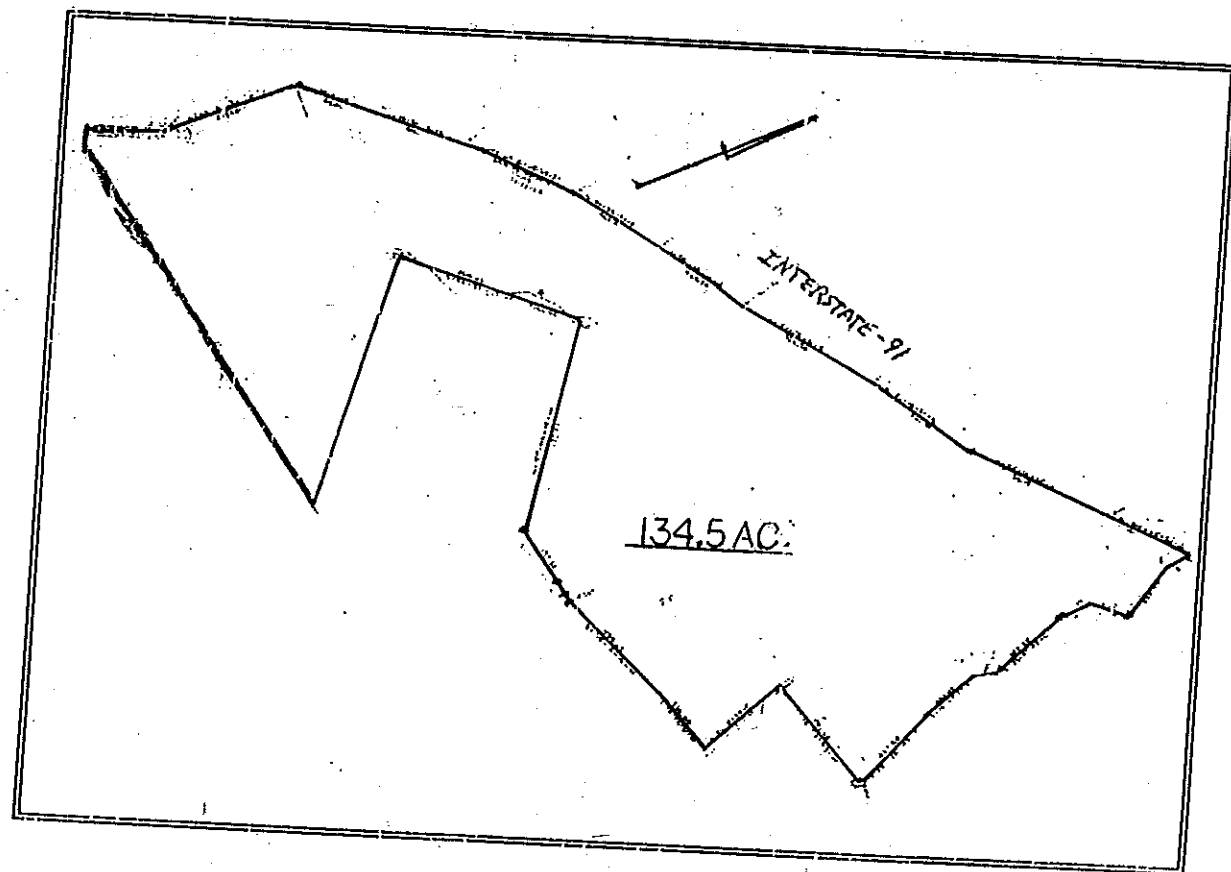
A D D E N D A

DONALD J. NITZ & ASSOCIATES, INC.

DONALD J. NITZ & ASSOCIATES, INC.

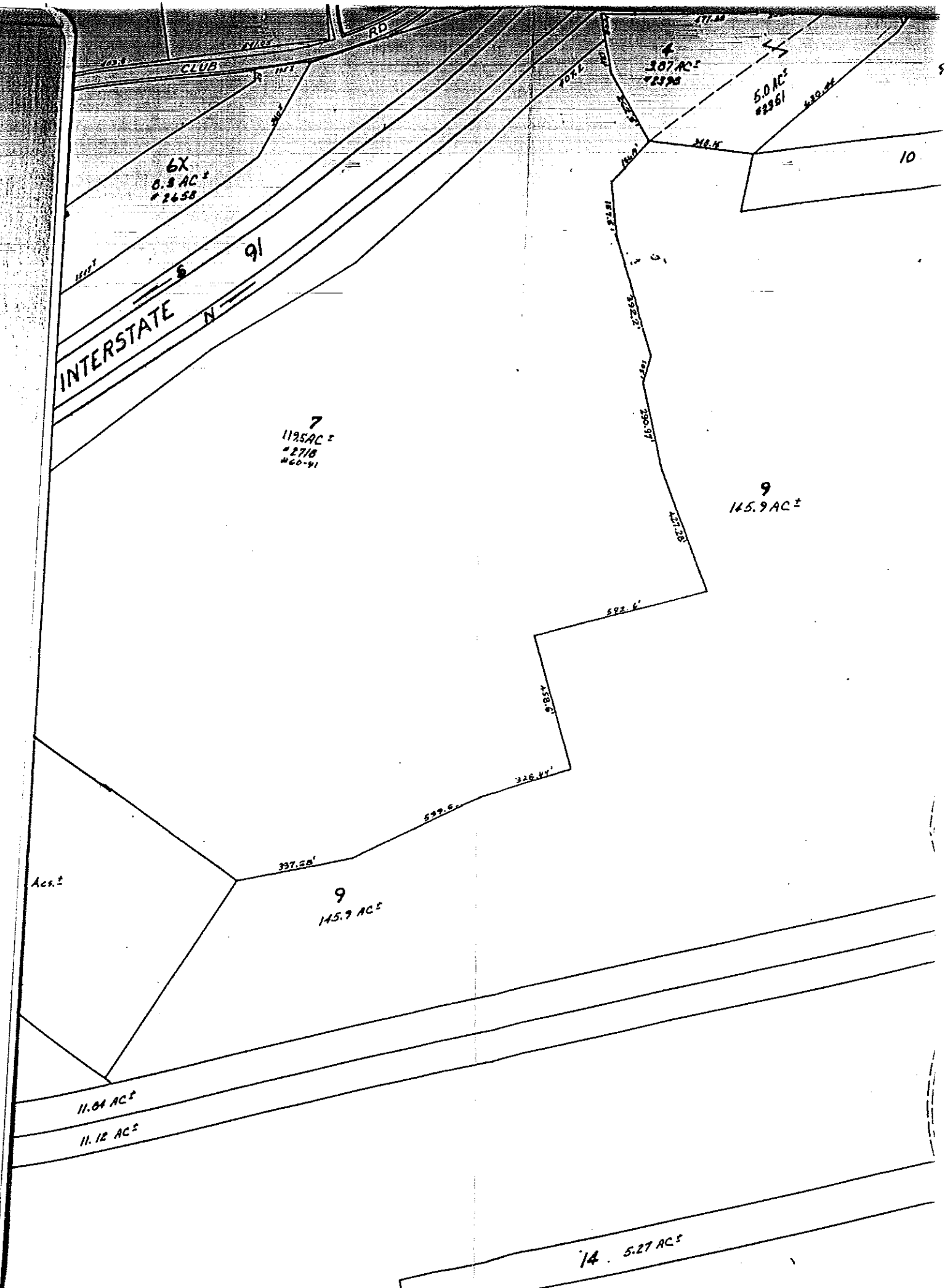
SELF CONTAINED REAL PROPERTY APPRAISAL

Fee Simple Interest of Jeffrey and Linda Pierce
134.5 Acres +/- of land
E/S of Interstate 91 and rear S/W side of
Country Club Road
Middletown, Connecticut



Reflecting Market Conditions
as of
August 4, 2000

REAL ESTATE APPRAISERS & CONSULTANTS, NORTH HAVEN, CONNECTICUT



VOL. 1102 PAGE 457

THIS IS A LEGAL INSTRUMENT AND SHOULD BE EXECUTED UNDER SUPERVISION OF AN ATTORNEY.

To all People to Whom these Presents shall Come, Greeting:

Know Ye, That JEFFREY PIERCE AND LINDA PIERCE, both

of the town of Middletown County of Middlesex State of Connecticut
for the consideration of Thirty-five Thousand (\$35,000.00) and 00/100 Dollars

received to their full satisfaction of JOSEPH R. PAOLELLA, of the Town of
Guilford, County of New Haven and State of Connecticut

DO GIVE, GRANT, BARGAIN, SELL AND CONFIRM unto the said JOSEPH R. PAOLELLA and
unto his heirs and assigns, all that certain piece or parcel of land
situated in the Town of Middletown, County of Middlesex and State of
Connecticut, in the "Society of Westfield" so-called, on the top of
Mount Higby, more particularly bounded and described as follows:

On the WEST by land now or formerly of Linda Pierce;

On the NORTH by land now or formerly of William and Harley Bowers and
Sherman

On the EAST by land now or formerly of Rhoda Cook; and

ON THE SOUTH by land now or formerly of Curtis or William Bacon.

Said parcel contains fifteen (15) acres more or less, together with a
right of passway to said premises in the usual way.

VOL 1102 PAGE 453

TO HAVE AND TO HOLD the above granted and bargained premises, with the appurtenances thereof, unto him the said grantee his heirs and assigns forever, to him and their own proper use and behoof.

AND ALSO, they the said grantors do for themselves and their heirs, executors, and administrators, covenant with the said grantee his heirs and assigns, that as and until the encasing of these presents, they are well seized of the premises, as a good indefeasible estate in fee simple; and have good right to bargain and sell the same in manner and form as is above written; and that the same is free from all encumbrances whatsoever, except as above stated.

AND FURTHERMORE, they the said grantors do by these presents bind themselves and their heirs forever to WARRANT AND DEFEND the above granted and bargained premises to him the said grantee his heirs and assigns, against all claims and demands whatsoever, except as above stated.

THE CONDITION OF THIS DEED IS SUCH, that whereas the said grantors are justly indebted to the grantee in the sum of Thirty-five Thousand and 00/100 (\$35,000.00)

as is evidenced by a promissory note of even date herewith

payable to the order of the grantee with 12% interest and due and payable on July 2, 1997, as more particularly appears in the copy of the note attached hereto.

Form 115 Conveyance QUIT-CLAIM DEED

VA640 712302

NOTES: 1. THIS DEED IS NOT VALID UNLESS IT IS RECORDED IN THE OFFICE OF THE TOWN CLERK OF MIDDLETOWN, CONNECTICUT.

Know All Men By These Presents

That I, JEFFREY D. PIERCE, of the Town of Middletown, County of Middlesex and State of Connecticut

for divers good causes and considerations thereunto moving, especially for One Dollar and other valuable consideration received to my full satisfaction of

LINDA B. PIERCE, of the Town of Middletown, County of Middlesex and State of Connecticut

have remised, released, and forever quitclaimed, and do by these presents, for myself and my successors and heirs, justly and absolutely remise, release, and forever QUIT-CLAIM unto the said Releasee

LINDA B. PIERCE, her

successors, heirs and assigns forever, all such right and title as I the said Releasor JEFFREY D. PIERCE has or ought to have in or to

See Schedule A Attached Hereto

"No Conveyance Tax collected

Anthony J. [Signature]

Town Clerk of Middletown"

1) on Lamentation Mountain - Stantack Road (north from the last residence to

the Berlin town line), Middle Road, Lower Road, Topper Road, Old

Lamentation Mountain Road

2) Mount Higby - Massa Tom Road (also known as Massatom Road, Middle

Street and Middle Street South) and an unnamed road network.

Ms. Moore's request is in response to Mr. Lawrence Buck's numerous appearances before the Common Council requesting, inter alia, that the city make improvements to the above referenced roads.

Shipman & Goodwin LLP caused to be conducted an extensive search of the Land Records of the city for recorded public records regarding the roads in question, interviewed town officials, reviewed public records in various administrative city departments, and conducted a visual examination of the Lamentation Mountain area. The city's public records and conversations with municipal employees disclosed limited factual information or data on the roads in question. Many, if not most, of the issues that pertain to and govern the legal status of roads are questions of fact. Therefore, Shipman & Goodwin LLP will employ the considerable body of highway law regarding dedication and acceptance and their applicability to the facts ascertained to determine if the roads in question are private ways or public highways.

IV. LEGAL DISCUSSION:

A. Introduction

In order to make a determination as to whether a road is a public highway, it is necessary to lay out the law under which such a determination must be made. An

mountain bikes and off road vehicles. As in Ventres, this use does not indicate an implied acceptance. Therefore, Topper Road on Lamentation Mountain is not a public highway.

5. Old Lamentation Mountain Road

a. Dedication - Shipman & Goodwin LLP found no evidence that an owner dedicated Old Lamentation Mountain Road on Lamentation Mountain for public use.

b. Acceptance - Dedication is only effective when acceptance has occurred. Since the road was never dedicated, the city and the public cannot have accepted it. Alternatively, there is no evidence that the municipality has formally accepted this road. Further, the city has not demonstrated any activity that would support an implied acceptance. The city has not cleared debris, paved, placed street signs, plowed, installed sewers, or exerted control over this road. Additionally, the general public has not accepted this road. The general public's is limited to occasional hikers, mountain bikes and off road vehicles. As in Ventres, this use does not indicate an implied acceptance. Therefore, Old Lamentation Mountain Road on Lamentation Mountain is not a public highway.

B. Mount Higby

1. Massatom Road

a. Dedication - Shipman & Goodwin LLP found no evidence that a previous owner or the present owner - the municipal water company- dedicated Massatom Road on Mount Higby for public use.

b. Acceptance - Dedication is only effective when acceptance has occurred.

Since the road was never dedicated, the city and the public cannot have accepted it as a public highway. Further, there is no evidence that the city has formally accepted this road as a public highway.

Further, analysis of the facts do not conclusively support the finding of implied acceptance by the municipality. An old undated map does show a Massa Tom Road, as well as a network of other roads, on Mount Highby. See Exhibit K. However, a D.O.T. map dated December 31, 1998, does not show any roads in the Mount Highby area. See Exhibit L. As courts have stated, lines on a map are not conclusive evidence that a road is a public highway.

As to the assessment of the real property in the immediate vicinity, the present Middletown Assessor's map shows only a broken line road called Massa Tom Road, parallel in some places to a solid line road, with no other connecting or independent network of roads on Mount Highby. See Exhibit M. However, the Assessor, in a letter dated March 4, 1999 stated that "Middle Road, also known as Massa Tom Road, that portion of land south of Country Club Road, in an R-45 zone, is being taxed as an open city street in such zone." See Exhibit N. The assessment of a road as a city street can be evidence of implied acceptance by a municipality, although it must be balanced against other municipal acts. For example, here, as in Ventres, no formal layout of a municipal road was found in the city records. Also, while the present abutting fee owner, the municipal water company, has maintained this road as a service road for its own private use, there is no evidence that the city has held this road out to the general public to be more than a restricted access road. Further, it is our

understanding that this road is not maintained to the level of accepted public highways.

Thus, the balance of the evidence supports a conclusion that the town has not impliedly accepted the road.

Additionally, the general public has not accepted this road. Specifically, while the abutting property owners may use this road for alternative access to their properties, the general public's use is limited to occasional hikers and, possibly, off road vehicles.

As in Ventres, this use does not indicate an implied acceptance. Therefore, Massatom Road is not a public highway. This finding is consistent with the opinion of the Middletown Department of Public Works. See Exhibit O.

2. Unnamed Road Network on Mount Higby

a. Dedication - Shipman & Goodwin LLP found no evidence that an owner dedicated the unnamed road network on Mount Higby for public use.

b. Acceptance - Dedication is only effective when acceptance has occurred. Since the road network was never dedicated, the city and the public cannot have accepted it. Also, there is no evidence that the city has formally accepted this road network. Further, the city has not demonstrated any activity that would support an implied acceptance. A network of roads does appear on an old undated map of the Mount Higby area. See Exhibit K. However, the Middletown Assessor's map shows no roads in the area. See Exhibit M. A recent D.O.T. map does not show roads in the area. See Exhibit L. As courts have stated, lines on a map are not conclusive evidence that a road is a public highway. Further, the municipality has not cleared debris,

paved, placed street signs, plowed, installed sewers, or exerted control over this road network. Therefore, the city has not implied acceptance.

Additionally, the general public has not impliedly accepted this road network.

While the neighboring property's owners, to access their property, may have used these roads, the general public's use has been limited to occasional hikers and, possibly, off road vehicles. As in Ventres, this use does not indicate the public's implied acceptance. Therefore, the unnamed road network on Mount Higby is not a public highway.

V. CONCLUSION:

After a careful and deliberate examination of all available facts gathered from our investigation of the public records and related activities, the evidence supports the conclusion that the seven roads discussed above are not public highways. As such, the City of Middletown does not have responsibility for their maintenance or improvement.

255900 v.01

A certain piece or parcel of land in the City of Middletown, County of Middlesex and State of Connecticut on the southeasterly side of Interstate Route 91 as shown on two certain maps or plans entitled "Plan of Property South of Interstate 91 (claimed by Milton M. & Ruth M. Castelow Middletown, Conn. Scale 1"=500' Sept 1964" on file in the Office of the Middletown Town Clerk as Map Number 2718 and "Town of Middletown Map Showing land acquired from Milton M. Castelow et al by the State of Connecticut Safety Rest Area on Interstate Route 91 (Limited Access Highway) Scale 1"=100' April 1977 Karl F. Crawford Transportation Chief Engineer-Bureau of Highways Revision 5-4-77 access denied, Property Line E N/F" on file in the Office of the Middletown Town Clerk as Map Number 91B and being more particularly bounded and described as follows:

Beginning at a point marking the southwesterly corner of the herein described premises, said point being in the northerly line of property now or formerly of Stanley Boniewski and the easterly line of property now or formerly of the State of Connecticut, thence running in an easterly direction along land now or formerly of Stanley Boniewski a distance of 548.5 feet more or less to a point; thence turning and running in a northeasterly direction along land now or formerly of Agnes MacDonnell and Frederick and Myrtle Congdon and John J. MacDonnell a distance of 2,200 feet more or less to a point; thence turning and running in an easterly direction along land now or formerly of said John J. MacDonnell a distance of 800 feet more or less to a point; thence turning and running in a southerly direction along land now or formerly of said John J. MacDonnell and land now or formerly of Frederick and Myrtle Congdon a distance of 460 feet more or less to a point; thence turning and running in an easterly direction along land now or formerly of Victor Butterfield a distance of 1,060 feet more or less to a point; thence turning and running in a northwesterly direction along a brook marking the boundary of land now or formerly of Victor Butterfield a distance of 500 feet more or less to a point; thence turning and running in an easterly direction along land now or formerly of said Victor Butterfield a distance of 450 feet more or less to a point; thence turning and running in a northerly direction along land now or formerly of Elizabeth M. Burr a distance of 1,050 feet more or less to a point; thence turning and running in a westerly direction along land now or formerly of The Hartford Electric Light Company a distance of 629.3 feet more or less to a point; thence turning and running in a southwesterly direction along land now or formerly of the State of Connecticut being Interstate Route 91 a distance of 550 feet more or less to a point; thence continuing in a southwesterly direction along said land of the State of Connecticut and Interstate Route 91 a distance of 561 feet more or less to a point; thence continuing in a southwesterly direction along said land of the State of Connecticut and Interstate Route 91 a distance of 705 feet more or less to a point; thence continuing in a southwesterly direction along said land of the State of Connecticut and Interstate Route 91 a distance of 935 feet more or less to a point; thence continuing in a southwesterly direction along said land of the State of Connecticut and Interstate Route 91 a distance of 533 feet more or less to a point; thence continuing in a southwesterly direction along said land of the State of Connecticut and Interstate Route 91 a distance of 821 feet more or less to a point; the foregoing courses all as shown of Map Number 2718 above mentioned; thence turning and running in a southerly direction along land now or formerly of the State of Connecticut a distance of 644 feet more or less to a point; thence continuing in a southerly direction a distance of 523 feet more or less to the point and place of beginning, the last two courses as shown on Map Number 91B above mentioned.

VA640 711256

SCHEDULE B

SAID PREMISES ARE CONVEYED SUBJECT TO THE FOLLOWING:

1. SNET Pole Line Easement as shown on Map Number 2718 above mentioned;
2. Possible Right of Way as shown in a warranty deed from Eben W. Bacon to Seymour G. Baldwin dated May 9, 1912 recorded May 13, 1912 in Volume 145 at Page 623 of the Middletown Land Records;
3. Pole Line Easement from Eben W. Bacon to the Southern New England Telephone Company dated December 12, 1929 recorded December 28, 1929 in Volume 180 at Page 659 of the Middletown Land Records;
4. Pole Line Easement from Milton M. and Ruth M. Castelow to Southern New England Telephone Company dated and recorded July 17, 1957 in Volume 284 at Page 982 of the Middletown Land Records;
5. Rights to construct and maintain a paved channel and right to discharge water as described in a certificate of taking by the State of Connecticut dated November 6, 1962 and recorded November 9, 1962 in Volume 327 at Page 509 of the Middletown Land Records;
6. Pole Line Easement from Milton M. and Ruth M. Castelow to Southern New England Telephone Company recorded February 5, 1963 in Volume 329 at Page 301 of the Middletown Land Records;
7. Pole Line Easement from Milton M. and Ruth M. Castelow to Southern New England Telephone Company dated and recorded April 5, 1963, in Volume 330 at Page 9 of the Middletown Land Records;
8. Relinquishment of Rights of Access as described in a warranty deed from Milton M. and Ruth M. Castelow to the State of Connecticut dated May 8, 1963 and recorded June 5, 1963 in Volume 331 at Page 41 of the Middletown Land Records;
9. Easement from Milton M. and Ruth M. Castelow to Hartford Electric Light Company dated February 20, 1964 and recorded February 27, 1964 in Volume 335 at Page 311 of the Middletown Land Records;
10. Certificate of Classification as forest land dated September 10, 1965 and recorded September 24, 1965 in Volume 344 at Page 16 of the Middletown Land Records;
11. Pole Line Easement from Estate of S.G. Baldwin to Southern New England Telephone Company dated December 14, 1929 recorded December 28, 1929 in Volume 10 at Page 660 of the Middletown Land Records.
12. Easement from Malcolm Barton to Southern New England Telephone Company dated and recorded July 17, 1957 in Volume 284 at Page 484 of the Middletown Land Records.

GRANTEE'S LATEST ADDRESS:

5 GREEN ST.
MIDDLETOWN, CT. 06457

Read & Recd. May 14, 1973 11/1007 M
Recorded by Christine [Signature]
Town Clerk

MEMORANDUM
HALLORAN & SAGE LLP

ATTORNEYS AT LAW

Joseph B. Lynch
Joseph T. Sweeney
George Royster
Arthur P. McGowan, Jr.
John W. Lemega
Robert C. Engstrom
Vincent M. Marino
Richard C. Tynan
William P. Borchert
Thomas J. Hagarty, Jr.
Paul V. Knopf
Brian J. Donnell
James J. Szerejko
William J. McGrath, Jr.
Dennis C. Cavanaugh
Christopher J. Lynch

Paul D. Meade
Joseph G. Fortner, Jr.
Stephen P. Fogerty
Peter G. Boucher
Jean M. D'Aquila
Steven H. Melitz
John B. Farley
Mark R. Cramer
David B. Losee
Harris B. Appelmann
Mark T. Altermatt
Henry M. Beck, Jr.
Susan O'Donnell
Bruce H. Raymond
Kevin M. Roche
David G. Hill

Daniel P. Scafelet
James M. Sconzo
Robert B. Cox
Thomas P. O'Dea, Jr.
Donna-Marie Loneragan
Robert M. Barrack
Richard P. Roberts
Gregory R. Faulkner
John S. Rosania
Lynde A. Barry
John W. Dietz
Brian P. Learning
Michael S. Taylor
Mark T. Livesay
Thomas P. Lambert
Robert A. Rhodes

James V. Somers
James A. Alissi
Laura A. Zaino
John B. Kennedy
Melinda M. Decker
Jodie R. Small
Reed A. Skatas
Janice D. Lei
James M. Celentano
Kathleen A. St. Onge
Melissa S. Rotenberg
John J. Robinson
Martin A. Onorato
David R. Levesque
Mony B. P. Yin
Brett M. Szczesny

Wendi L. Boyden
Alan P. Curto
Kevin J. Greene
Michelle J. Bond
Brian C. Clifford
Kevin E. Mejewski
Daryl C. Capuano

300 Plaza Middlesex
Middletown, CT 06457

(860) 348-8841
Fax (860) 344-1641

Counsel
Irwin D. Mittelman
Dan E. LeBelle
Duncan J. Forsyth
Ann M. Catino
Lisa M. Kowitz

July 13, 1999

Mr. and Mrs. Jeffrey Pierce
5 George Street
Middletown, CT 06457

Re: **Wesleyan University**

Dear Mr. and Mrs. Pierce:

This letter is to confirm our recent telephone conversation in which I stated that Wesleyan University has agreed to provide you with a new 30 foot wide right of way to your property in exchange for you relinquishing any rights you have in and to the other rights of way or travelways which cross the University's property. Wesleyan University's agreement is conditioned upon your surveyor preparing a survey which adequately lays out the right of way in substantially the location which we discussed.

As soon as the survey is completed, kindly have your surveyor provide me with a copy of the survey so that I might review it with my client. Upon Wesleyan University's approval of the location of the new right of way, I will then draft the necessary documents releasing your interest in the other rights of way and conveying the revised right of way to you.

Very truly yours,



Vincent M. Marino

VMM/jad

bcc: Robert B. Taylor, Vice President, Wesleyan University
Joseph Lombardo, Hill Development

MEMORANDUM

TO: City of Middletown
Mayor Domenique S. Thornton
Debra Moore, Administrative Aid to the Mayor

FROM: Arnold Shimelman, Esq.
Catherine Intravia, Esq.
Shipman & Goodwin, LLP

DATE: November 29, 1999

RE: City of Middletown
Lamentation Mountain and Mount Higby Unimproved Roads

I. ISSUE:

Whether seven unimproved roads located on Lamentation Mountain and Mount Higby in the western portion of the city of Middletown are public highways.

II. BRIEF ANSWER:

The facts support the conclusion that the seven referenced roads on Lamentation Mountain and Mount Higby are not municipal public highways. As such, the city does not have responsibility for their maintenance or improvement.

III. BRIEF FACTS:

Debra Moore, Administrative Aide to Middletown Mayor Domenique S. Thornton, requested that Shipman & Goodwin LLP determine whether a group of old roads on Lamentation Mountain and on Mount Higby are municipal public highways. Specifically, various citizens have referred to the roads by the following names: